UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RAWA HIWEDI,	§	
	§	
Plaintiff,	§	
	§	
v.	§	**Case No. 3:25-CV-00918**
	§	
INTERNATIONAL RESCUE COMMITTEE, INC.,	§	
	§	
	§	
Defendant.		

DEFENDANT'S MOTION FOR SANCTIONS FOR AI-GENERATED DOCUMENT PRODUCTION AND BRIEF IN SUPPORT

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Defendant International Rescue Committee, Inc. ("**Defendant**" or "**IRC**"), by and through the undersigned counsel, files this Motion for Sanctions For AI-Generated Document Production and Brief in Support ("**Motion**") against Plaintiff Rawa Hiwedi ("**Plaintiff**" or "**Hiwedi**"), and respectfully shows the Court as follows:

I. SUMMARY

Plaintiff has poisoned the evidentiary well by using ChatGPT to manipulate documents she, through her counsel, produced in discovery. Plaintiff's AI alterations went unchecked by her attorney, who served the modified documents on Defendant—presumably without any review and ***indisputably*** without disclosing they were created and/or modified by AI software. During her deposition, Plaintiff initially denied using AI to create or modify production documents. Plaintiff reversed course when repeatedly confronted with clear evidence of "AI hallucinations" in the materials. After copping to the act, Plaintiff then conceded she ***does not know*** the universe of production documents she ran through ChatGPT or other AI software. The use of AI is a relatively new phenomenon. But evidence manipulation and discovery abuse are not. Plaintiff's misconduct has irrevocably contaminated the evidence and massively prejudiced Defendant. Sanctions up to and including dismissal with prejudice are warranted.

At bottom, there are five components to Plaintiff's wrongdoing. First, Plaintiff knowingly used ChatGPT to modify or create documents she intended to produce in discovery. Second, Plaintiff's counsel produced the AI-modified documents to Defendant without comment or notation; even though a reasonable review would have revealed ***obvious*** distortions and inaccuracies. Third, when initially questioned on the authenticity of the AI-modified documents, Plaintiff testified the documents were real and authentic.

Fourth, after counsel for Defendant repeatedly pointed out the nonsensical and distorted text on the documents, Plaintiff admitted to modifying the documents with ChatGPT. Fifth, Plaintiff testified that she used ChatGPT to modify numerous other documents in her production, but she ***cannot remember which***.

Parties and counsel have been widely cautioned on the dangers of using AI in litigation. Producing AI-falsified or modified documents without review or notation violates the Federal Rules, Local Rules, ethical pledges like the Texas Lawyer's Creed, and may also constitute spoliation.

In this case, Defendant has been, and will continue to be, significantly prejudiced in marshalling its opposition to Plaintiff's lawsuit because of Plaintiff's use of AI in discovery. By Plaintiff's own admission, an unknown number of production documents were generated, altered, or run through AI software. This leaves Defendant unable to verify the authenticity of ***any*** of Plaintiff's evidence. Accordingly, the entirety of Plaintiff's production must be viewed as poisoned, falsified, and otherwise altered.

Plaintiff's conduct—and that of her counsel—warrants sanctions. The egregious nature of Plaintiff's AI-usage and its impact on this litigation renders dismissal with prejudice appropriate. At minimum, however, sanctions should include: (i) an adverse inference instruction to a jury, (ii) a forensic inspection of Plaintiff's devices and accounts (at Plaintiff's expense), (iii) reimbursing Defendant for costs and attorneys' fees incurred in deposing Plaintiff; and (iv), if necessary, a second deposition (at Plaintiff's expense) of Plaintiff on the results of any forensic inspection.

Defendant respectfully requests the Court grant this Motion, dismiss the Complaint with prejudice or, alternatively, enter another form of sanctions sufficient to remedy Plaintiff's misconduct.

II. BACKGROUND

A. Defendant serves discovery on Plaintiff seeking documents and other material evidence related to her claims.

On May 5, 2025, Plaintiff filed her First Amended Complaint (Dkt. 8), alleging violations of the Fair Labor Standards Act for: (i) failure to pay overtime wages and; (ii) retaliation for complaining about not receiving overtime pay. Plaintiff was employed by Defendant for approximately four (4) months between January and April, 2023. In sum, Plaintiff alleges she was instructed to underreport her overtime. Plaintiff reported her own time worked into Defendant's timekeeping system. Thus, Plaintiff claims she worked—but did not report and therefore was not paid for—some amount of overtime during a handful of pay periods over the course of three months.

On September 16, 2025, Defendant served Plaintiff with Requests for Production ("**RFPs**"), Requests for Admission ("**RFAs**"), and Interrogatories. Among other things, the RFPs sought documents: (i) evidencing Plaintiff's contention she regularly worked overtime[1]; (ii) concerning the number of hours she allegedly worked for Defendant[2]; and (iii) demonstrating she worked hours for Defendant for which she was not paid.[3]

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[1] *See* Plaintiff's Responses to Defendant's First Requests for Production, attached as Exhibit "A" to the Declaration of Jonathan Clark ("**Clark Dec.**"), attached hereto as Exhibit "1" at 4, Appx. 008.

[2] *Id.*

[3] *Id.* at 5, Appx. 009.

After requesting an extension, Plaintiff responded to Defendant's written discovery on October 30, 2025.[4] When serving her RFP responses, Plaintiff's counsel informed Defendant that a document production was forthcoming. On November 4, Plaintiff's counsel produced documents in response to Defendant's RFPs.

B. <u>Plaintiff's document production includes false, AI-distorted or created documents.</u>

Included in Plaintiff's production were two documents ***she claimed*** contained material evidence of Defendant forcing her to work "off the clock." Specifically, Plaintiff produced two Tom Thumb grocery receipts displayed—on the same page—next to a written summary explaining why the receipts were important and what they demonstrated. Below is an example of one such document from Plaintiff's production:[5]

[4] Notably, Plaintiff's responses to Defendant's Interrogatories were not verified as required by Fed. R. Civ. P. 33(b)(5). As Defendant learned during Plaintiff's deposition, Plaintiff **<u>does not recall reviewing her answers to the Interrogatories</u>** to ensure such answers were accurate. *See infra* n. 27.

[5] *See* Hiwedi 084-85, attached as Exhibit "B" to Clark Dec., Appx. 013-14.

Statement Confirming Details of Friday, March 24, 2023 (Weekend Client Work)

Here is one of my grocery receipts from Friday, March 24, 2023, when I took two of the client families grocery shopping in the evening. After the shopping trip, I spent the entire night supporting both families with transportation, checking into the hotel, settling in, and showing them the hotel amenities and how to connect to the internet to contact their loved ones.

Tom Thumb

Store 2221 Bir Parker Road
Main 6013 Marker Rd. FL 420-289
Brain IS 19329 100

TRANSACTION RETTESENEO
RETREIVAL MOMBER 2780

GRBCERY

Debit Parchase 03/2473 17 22
CARO = [redacted]DG9 PRIMARY
TOTAL TRANSACTION AMOUNT 86S.
CASH DACK ANGUNT 8.00
REP: G95741918980 AUTH 0070960

AL US DEBIT
AID AG0000000806040
IKR 6000048000
T8I 6300

Debit 283.60

CHANGE 0.00
TOTAL NUMBER OF TTEMS SOLD = 01
02/22/23 17 33 2921 2 182 089

Debit

POINTS EARNED TODAY
Base Points 227
Total 7.49

83382182292182380281122
Thank you for Chomping fom Thumb!
Fom IBMITUNS PORLV questions call
871:270-3927 or TonthuAb com/form

RAJABI. BATO,I
EMADISHONE/Mujlba

Hiwedi 084_0001

On their face, the authenticity of the receipts is highly dubious. For example, the above receipt contains obvious distortions, including non-sensical words and sentences—such as "**TRANSACTION RETTESENEO**", "**CASH DACK ANGUNT**", and "**Thank you for Chomping fom Thumb!**"[6] That same receipt also includes a non-existent Tom Thumb store number and an incorrect address.[7] Moreover, this receipt displays a different date (Feb. 22, 2023) than the day upon which Plaintiff claimed to have visited the store (March 24, 2023).

[6] *Id.*

[7] Clark Dec. at 2, Appx. 003. *See also* Declaration of Jennifer Risberg ("**Risberg Dec.**"), attached hereto as Exhibit "2", Appx. 048-49.

The second receipt Plaintiff produced contains even more signs of AI-distortions than the first. For example, the word "grocery" is misspelled "**GROGERY**". Much of the text on the second receipt is so mangled it is no longer English:[8]

[8] *See* Ex. "B" to Clark Dec., Appx. 013-14.

Despite the clear signs of AI-manipulation, on November 4, 2025 Plaintiff's counsel produced these, and all other documents, without comment. Days after receiving Plaintiff's document production, Defendant served a Deposition Notice—setting Plaintiff's deposition for December 3, 2025, at 9:00 A.M.[9]

C. Plaintiff initially denies using AI on her document production.

When questioned about the above receipts in her deposition, Plaintiff explained they were evidence she was "working at nighttime" and not "paid for extra hours."[10] The undersigned then asked Plaintiff whether the receipts were real, and Plaintiff responded, "[t]hat's a real Tom Thumb receipt…"[11]

Plaintiff maintained the receipts were legitimate during further questioning. Indeed, Plaintiff ***expressly denied*** that the receipts were created using a software program:

> Q: So I'm just going to stop right here and I'm just going to ask you straight out, ma'am. This right here is not a real Tom Thumb receipt, is it?
>
> **A: That's a real Tom Thumb receipt**[.]
> …
>
> Q: Did you have this receipt created using some kind of software program?
>
> **A: No**.[12]

D. Plaintiff finally admits to using ChatGPT on her production documents.

After Plaintiff's repeated assertions that the receipts were authentic, Defendant's counsel pressed Plaintiff to explain the inaccurate, distorted, and nonsensical text on the

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[9] *See* Notice of Deposition, attached as Exhibit "C" to Clark Dec., Appx. 016.

[10] December 3, 2025 Deposition of Rawa Hiwedi ("**Hiwedi Dep.**"), attached as Exhibit "D" to Clark Dec. at 116:1-17, Appx. 025.

[11] *Id.* at 116:18-23, Appx. 025.

[12] *Id.* at 116:18-23; 117:23-25, Appx. 025, 026.

receipts.[13] Plaintiff testified that she had no explanation for the various and obvious AI gibberish:[14]

> Q: [A]t the top of the receipt the address Bir Parker Road Main 6018 Marker, Florida. You didn't go to a Tom Thumb in Florida for this family, did you ma'am?
>
> **A: No, I didn't.**
>
> Q: We also called Tom Thumb. There is no Store No. 221 … Do you have any explanation for that?
>
> **A. No.**[15]

As this questioning continued, Plaintiff ***finally*** admitted to using AI to create the production documents. Specifically, Plaintiff claimed she attached a photograph of the "real" receipt to ChatGPT to correct any spelling errors.[16] When asked why she needed to spellcheck a receipt, Plaintiff claimed that she used ChatGPT to review and refine the summary text on the left side of the PDF/production document next to the image of the receipt.[17]

After admitting she used AI on one receipt, Plaintiff confirmed the second Tom Thumb receipt was also modified using ChatGPT.[18] Specifically, Plaintiff testified that the second receipt appears distorted because of ChatGPT's modifications to the document.[19]

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[13] *Id.* at 118:4 — 119:14, Appx. 027-28.

[14] *Id.* at 118:12 — 119:1, Appx. 027-28.

[15] *Id*. at 118:4-19, Appx. 027.

[16] *Id.* at 119:2-14, Appx. 028.

[17] *Id.* at 119:24 — 120:6, Appx. 028-29.

[18] *Id.* at 126:2-4, Appx. 034.

[19] *Id.* at 127:9-13, Appx. 035.

Importantly, Plaintiff testified that she does not have a physical copy/original of either receipt; and only has digital images on her phone.[20]

E. Plaintiff used ChatGPT on other production documents and did not review her Interrogatory responses.

The universe of Plaintiff's AI-generated or modified production documents does not end with the receipts. Plaintiff testified she ran other discovery materials through ChatGPT before they were produced.[21] For example, Plaintiff specifically recalled placing various images of Microsoft Teams communications with former IRC colleagues into ChatGPT before those documents were produced.[22] Like the receipts, Plaintiff contends these Teams communications evidence her claims of unpaid overtime and FLSA retaliation. Crucially, however, Plaintiff ***could not remember*** what other documents in her production were modified, assembled, or created using AI.[23] Plaintiff's testimony on her rampant use of ChatGPT in discovery could not be more damning:

> Q: Did you check to ensure that ChatGPT didn't modify the contents of any of the Teams messages?
>
> A: **I did not. I did not**.[24]
>
> …
>
> Q: Any other documents that you produced besides the receipts, besides the Teams chat that you ran through ChatGPT?
>
> A: **I don't remember.**
>
> Q: Okay. It's possible, but you just don't remember?

[20] *Id.* at 121:3-8, Appx. 030.

[21] *Id.* at 124:2-9, Appx. 032.

[22] *Id.*

[23] *Id.* at 123:3-21; 129:23 — 131:8, Appx. 031, 036-38.

[24] *Id*. at 124:24—125:2, Appx. 032-33.

A: **I don't remember, yeah.**[25]

…

Q: Is it possible that there are other documents in your document production to us besides the receipts and the Teams chats that you also ran through ChatGPT?

A: **Possible.**[26]

Accordingly, the scope and impact of Plaintiff's use of AI-generated or altered production documents is unknown.

Plaintiff also confirmed during her deposition that she did not sign or verify her answers to Defendant's Interrogatories. In fact, Plaintiff did not remember even reviewing the answers to ensure accuracy before they were served on Defendant.[27]

F. <u>At the eleventh hour, after being caught, Plaintiff attempts to revise her AI-altered document production</u>.

Days after Plaintiff's deposition revealed her AI-usage, Plaintiff's counsel served a supplemental production on Defendant. The supplemental production appears to contain what Plaintiff and her counsel allege are un-altered digital images of the receipts. The supplemental production also contains duplicates of other previously produced documents, such as screenshots of Plaintiff's Microsoft Teams communications with her former IRC manager.

But Plaintiff's past conduct—combined with her own testimony—leaves Defendant unable to verify the authenticity, accuracy, or truthfulness of any document in Plaintiff's recent or original production. <u>First</u>, Plaintiff confirmed that she ***intentionally***

[25] *Id.* at 130:2-8, Appx. 037.

[26] *Id.* at 130:15-20, Appx. 037.

[27] *Id.* at 94:1-20, Appx. 023.

used AI to modify other documents in her production, but cannot remember which.[28] Thus, even assuming the supplemental production contains un-altered documents, it is impossible to verify these re-produced materials comprise the universe of AI-altered documents from Plaintiff's original production.

Second, and regardless, at this point Defendant cannot reasonably be expected to accept that ***any*** of Plaintiff's production materials are authentic. As noted above, Plaintiff initially, without hesitation, and through her lawyer, produced various documents in discovery that were either created or altered using AI software. The ***only*** reason Plaintiff's misconduct came to light is because of ***Defendant's*** diligence in reviewing Plaintiff's production, spotting signs of AI-generation, and repeatedly questioning her about the issue under oath. Given the foregoing, Defendant can no longer take Plaintiff's word for the veracity of her discovery responses.

Third, Discovery in this case is coming to an end shortly. Pursuant to this Court's Scheduling Order, fact discovery closes on January 9, 2026. Defendant served written discovery, scheduled, prepared for, and took Plaintiff's deposition with the expectation that Plaintiff's discovery responses and document production were authentic.[29] Consequently, Plaintiff's malfeasance has hamstrung Defendant's ability to secure additional and necessary discovery or to otherwise verify the authenticity and completeness of Plaintiff's entire document production as the case moves towards summary judgment and—if necessary—trial.

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[28] *Id.* at 129:23 — 131:8, Appx. 036-38.

[29] A document production, it bears repeating, that was bates stamped and provided without comment by her lawyer.

III. LEGAL STANDARD

Federal Rule of Civil Procedure 26 permits sanctions for a party making a false discovery disclosure. *See* Fed. R. Civ. P. 26(g). Beyond the Federal Rules, courts have inherent power to fashion appropriate sanctions. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 50, 54-55 (1991). As part of its inherent power, a court may dismiss a matter or strike a party's pleadings with prejudice if there is a clear record of contumacious conduct and a lesser sanction would not serve the best interests of justice. *Brown v. Oil States Skagit Smatco*, 664 F.3d 71, 77 (5th Cir. 2011); *see also Sarco Creek Ranch v. Greeson*, 167 F. Supp. 3d 835 (S.D. Tex. 2016) (granting death-penalty sanctions against plaintiff based on fabrication of evidence and perjury). A court has wide latitude in using its inherent power to fashion appropriate sanctions, and such orders are reviewed under an abuse of direction standard. *See Gonzalez v. Trinity Marine Group, Inc.*, 117 F.3d 894, 898 (5th Cir. 1997) (citations omitted). Known as a death-penalty sanction, the dismissal of a party's complaint is "especially appropriate 'where a party manufactures evidence which purports to corroborate its substantive claims.'" *See Johnese v. Jani-King, Inc.*, 2008 WL 631237, at *1-3 (N.D. Tex. Mar. 3, 2008) (quoting *Vargas v. Peltz*, 901 F.Supp. 1572, 1581 (S.D. Fla. 1995)).

In the specific context of producing fabricated or altered evidence in discovery, Courts have issued a wide range of sanctions—from ordering an adverse jury instruction, to ordering subsequent depositions at the offending party's expense, up to and including dismissal with prejudice. *See Zubulake v. UBS Warburg LLC*, 220 F.R.D. 212, 222 (S.D.N.Y. 2003) (holding defendant who engaged in spoliation must pay costs of subsequent deposition); *T & E Inv. Grp. LLC v. Faulkner*, No. 11-CV-0724-P, 2014 WL

550596, at *15, *21 (N.D. Tex. Feb. 12, 2014) (finding adverse jury instruction on issue of material alteration of evidence is appropriate); *Johnese*, 2008 WL 631237, at *1-3 (noting that dismissal with prejudice is a fitting sanction when a party manufactures evidence).

IV. ARGUMENT

A. Sanctions are warranted and dismissal is appropriate for Plaintiff's production of AI-altered evidence.

The Court should impose sanctions on Plaintiff, her counsel, or both stemming from Plaintiff's undisclosed use of ChatGPT to modify production documents. The production of doctored evidence warrants sanctions because it violates the Federal Rules, the Local Rules, and various ethical creeds. Because Plaintiff cannot identify which documents were modified using AI, her "corrective" measures are inadequate and the appropriate remedy is dismissal with prejudice.

1. The Federal Rules and ethical obligations prohibit litigants from using artificial intelligence to manufacture false evidence.

As the use of AI has become more prevalent, judges and courts have cautioned attorneys on the accompanying harms that counteract AI's benefits. For example, Magistrate Judge Horan's standing order requires litigants disclose any AI use in briefings. *See Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr.*, No. 3:25-CV-516-BN, 2025 WL 1224273, at *2-3 (N.D. Tex. Apr. 28, 2025) (Horan, J.) (standing order). In addition to Magistrate Judge Horan's standing order, the Northern District of Texas's Local Rules require parties disclose the use of generative AI in any briefs. N.D. Tex. L. Civ. R. 7.2(f).

Federal Rule 26 governs sanctions for improper discovery conduct. Specifically, Rule 26(g)(1) requires that every discovery response be signed by at least one attorney of

record or by the party personally. *See* Fed. R. Civ. P. (26)(g)(1). By signing, an attorney or party certifies that to the best of the person's knowledge after a reasonable inquiry, the discovery responses are consistent with the federal rules and not interposed for any improper purpose. *See id.* If a certification violates Rule 26(g) without substantial justification, the court ***must*** impose an appropriate sanction on the signer, the party, or both. *See* Fed. R. Civ. P. 26(g)(3).

In other contexts, "a litigant's using AI and then failing to verify the accuracy of the results it yields violates the litigant's Federal Rule of Civil Procedure 11 obligations." *Willis*, 2025 WL 1224273 at *3 (citations omitted). Rule 11 states that "[b]y presenting to the court a pleading, written motion, or other paper . . . an attorney or unrepresented party certifies that . . . the claims, defenses, and other legal contentions are warranted by existing law." Fed. R. Civ. P. 11(b)(2). Combined with Rule 26's language, the Federal Rules unmistakably prohibit the intentional production of altered, falsified, and fabricated documents.

In this scenario, the Texas Lawyer's Creed is also relevant. Among other pertinent pledges, Texas-barred lawyers agree to be conscious of their duty to the judicial system, conduct themselves in a professional manner, and refrain from knowingly misrepresenting, mischaracterizing, misquoting, or misciting facts or authorities to gain an advantage.[30]

Here, Plaintiff's counsel produced documents to Defendant containing an unknowable quantity of inaccuracies, distortions, and other falsifications. And while Plaintiff cannot recall all documents she modified with AI/ChatGPT, any reasonable

[30] *See* "The Texas Lawyer's Creed--A Mandate for Professionalism" (1989), reprinted in Texas Rules of Court: Volume 1-- State 869 (West 2014).

review of Plaintiff's document production—as required by Rule 26(g)(1)—would have caught the clearly distorted receipts that had all the hallmarks of AI-gibberish. Plaintiff's counsel's email signature on the RFP responses acted as a representation that the responses were consistent with the Federal Rules and not interposed for any improper purpose. *See* Fed. R. Civ. P. 26(g)(1)(B). Importantly, sanctions are ***mandatory*** for violation of Rule 26(g).

Ignorance is no excuse. Attorneys are increasingly warned from every corner of the profession about the dangers of AI. Putting that aside, Plaintiff's use of AI on her production materials was—by her own admission—intentional and rampant. After first denying that the receipts had been altered, Plaintiff proceeded to admit that she knowingly and willingly placed various documents into ChatGPT ***for the express purpose*** of reviewing or editing them.[31] But for ***Defendant's counsel's*** thorough review of Plaintiff's production materials, the AI-altered documents allegedly supporting Plaintiff's claims would have gone unnoticed. Sanctions are therefore appropriate.

2. Plaintiff's production of AI-generated materials has prejudiced Defendant and dismissal is warranted.

Based on Plaintiff's own testimony, Defendant has no way to validate the authenticity of documents produced by Plaintiff in this case. To be clear, Plaintiff's use of AI would be sanctionable had it been limited to the two fabricated grocery receipts—documents which Plaintiff contended were material evidence in support of her claims.[32]

[31] As noted above, Plaintiff claimed she placed the Tom Thumb receipt documents into ChatGPT for "spellcheck" purposes. Hiwedi Dep. at 119:2:23, Appx. 028. Assuming arguendo that is true, it only underscores that: (i) Plaintiff's use of AI software on her production materials was intentional; and (ii) Plaintiff's counsel should never have permitted it to occur.

[32] *Id.* at 115:5 — 116:17, Appx. 024-25.

See Johnese v. Jani-King, Inc., 2008 WL 631237, at *1-3 (N.D. Tex. Mar. 3, 2008) (dismissing with prejudice due to perjury and citing cases holding dismissal is appropriate where a party falsifies or manufactures evidence). But by Plaintiff's own admission, her improper conduct extends far beyond the two receipts.

Plaintiff confirmed that she used ChatGPT to modify many documents in her production.[33] In fact, Plaintiff's AI use was so pervasive that ***she could not recall*** which production documents she used AI on.[34] To make matters worse, Plaintiff initially denied that the Tom Thumb receipts in her production had been fabricated or generated using computer software.[35] Plaintiff only admitted to using AI after a litany of questions about the nature and contents of the documents.

Plaintiff's admission that she used ChatGPT to modify other documents, combined with her inability to recall what documents were modified, clouds the provenance every single document she produced. And Plaintiff's failure[36] to disclose this conduct until after being repeatedly pressed on it in her deposition renders any future productions suspect. Defendant's ability to oppose Plaintiff's claims and evidence is therefore significantly prejudiced.

The prejudice to Defendant is exacerbated by the timing. As noted *supra*, discovery in this case closes on January 9, 2026. As of this filing, there are less than 30 calendar days in the discovery period. Further the dispositive motions deadline is February 6, 2026. That leaves insufficient time for other potentially corrective measures—such as a detailed

[33] *Id.* at 123:3-21, Appx. 031.

[34] *Id.* at 129:23 — 131:8, Appx. 036-38.

[35] *Id.* at 117:23-25, Appx. 026.

[36] And that of her lawyer.

forensic inspection of Plaintiff's devices and accounts to ensure the authenticity and completeness of her production.

Defendant can no longer be sure that a document produced by Plaintiff is authentic and free from AI modifications. Accordingly, Defendant's only recourse is to proceed as if all of Plaintiff's evidence is potentially fabricated. And if none of Plaintiff's evidence can be trusted as authentic, Plaintiff has no evidence with which to substantiate her claims—making dismissal with prejudice the most appropriate remedy.

Finally, and importantly, dismissal is necessary and appropriate because it sends a clear message to other litigants who might consider using AI to alter or generate discovery materials. When crafting sanctions orders, courts routinely consider deterrence of future, similar misconduct by other litigants. *See, e.g., Fuqua v. Horizon/CMS Healthcare Corp.*, 199 F.R.D. 200, 204 (N.D. Tex. 2000) (reasoning that litigation-ending sanctions for discovery misconduct may be justified to deter those tempted to such conduct); *Clinton v. Jones*, 520 U.S. 681, 780 n. 42, 117 S.Ct. 1636, 137 L.Ed.2d 945 (1997) (explaining the purpose of Rule 11 sanctions is to deter repetition of comparable conduct by others similarly situated). Allowing Plaintiff's case to simply proceed along in the ordinary course would effectively reward her misconduct and incentivize future bad actors. Given the rapid incursion of AI use in litigation, this type of misconduct should not be ignored.

3. <u>At minimum, in the alternative to dismissal, the Court should issue other sanctions for Plaintiff's discovery misconduct.</u>

For the reasons discussed above and throughout, dismissal with prejudice is the most necessary and appropriate remedy for Plaintiff's brazen use of AI to generate and/or modify her document production.

But if the Court is inclined to issue a lesser sanction, such and order should, at minimum, include the following relief: (1) an adverse inference instruction to a jury expressly clarifying that Plaintiff produced fabricated and/or altered documents in discovery using AI-software tools, (2) a forensic inspection of Plaintiff's devices and accounts (at Plaintiff's expense), (3) reimbursing Defendant for costs and attorneys' fees incurred in deposing Plaintiff[37]; and (4), if necessary, a second deposition of Plaintiff on the results of any forensic inspection and "modified" document production, with Plaintiff reimbursing Defendant for all costs and fees associated with the proceeding.

Each of the above alternate remedies are well-within the Court's discretionary sanctions powers in this instance. *See Zubulake*, 220 F.R.D. at 222; *Faulkner*, 2014 WL 550596, at *15, *21; *Johnese*, 2008 WL 631237, at *1-3. Accordingly, while dismissal with prejudice is the appropriate and necessary remedy, should the Court deem other sanctions more appropriate, each of the above are more than warranted here.

V. CONCLUSION

For the reasons expressed herein, Defendant International Rescue Committee, Inc. respectfully requests that the Court grant Defendant's Motion for Sanctions and dismiss Plaintiff's First Amended Complaint with prejudice, enter any other sanctions as the Court may deem just, and award Defendant all such further relief to which it may be justly entitled at law or in equity.

[37] In short, it took Defendant's review of Plaintiff's production documents and lengthy deposition questioning to pry an admission that Plaintiff used AI-generated/modified evidence. Putting aside that AI-altered documents should never have been produced, ***Defendant*** should not have been required to incur the costs of discovering Plaintiff's previously-undisclosed misdeeds.

Dated: December 10, 2025

Respectfully Submitted,

By: /s/ *Jonathan E. Clark*

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ATTORNEY FOR DEFENDANT INTERNATIONAL RESCUE COMMITTEE, INC.

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2025, I caused a true and correct copy of the foregoing to be served on all counsel of record via ECF.

/s/ Jonathan E. Clark
Jonathan E. Clark

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(h), counsel for Defendant conferred with Counsel for Plaintiff regarding the Motion and relief sought therein. Counsel for Plaintiff informed counsel for Defendant that Plaintiff is opposed to the Motion.

/s/ Jonathan E. Clark
Jonathan E. Clark